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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,723	12/29/2003	Jens Kramer	2000.109500	5881
23720	7590 08/04/2005	EXAMINER		
	, MORGAN & AMERSO	RACHUBA, MAURINA T		
	10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			PAPER NUMBER
11000101.,			3723	

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Summary		10/747,723	KRAMER ET AL.			
		Examiner	Art Unit			
		M Rachuba	3723			
D!! 4	The MAILING DATE of this communication ap	pears on the cover sheet w	ith the correspondence address			
	or Reply	VIC CET TO EVDIDE 4 M	IONTH(S) EDOM			
THE - Extra afte - If th - If N - Fail	HORTENED STATUTORY PERIOD FOR REPL MAILING DATE OF THIS COMMUNICATION. ensions of time may be available under the provisions of 37 CFR 1. or SIX (6) MONTHS from the mailing date of this communication. e period for reply specified above is less than thirty (30) days, a rep O period for reply is specified above, the maximum statutory period ure to reply within the set or extended period for reply will, by statutory reply received by the Office later than three months after the mailing patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a lift within the statutory minimum of thin will apply and will expire SIX (6) MON e. cause the application to become Al	reply be timely filed ty (30) days will be considered timely. ITHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).			
Status						
1)[Responsive to communication(s) filed on	<u>_</u> .				
, —	•	and the control of th				
3)□						
	closed in accordance with the practice under	Ex parte Quayle, 1935 C.D	o. 11, 453 O.G. 213.			
Disposi	tion of Claims		•			
4)⊠	Claim(s) 1-21 is/are pending in the application	1.				
·	4a) Of the above claim(s) is/are withdrawn from consideration.					
5)[Claim(s) is/are allowed.					
6)□	Claim(s) is/are rejected.					
7)	Claim(s) is/are objected to.					
8)🖾	Claim(s) 1-21 are subject to restriction and/or	election requirement.				
Applica	tion Papers					
9)[The specification is objected to by the Examine	er.				
10)[The drawing(s) filed on is/are: a) acc					
	Applicant may not request that any objection to the					
	Replacement drawing sheet(s) including the correct					
11)	The oath or declaration is objected to by the E	xaminer. Note the attache	d Office Action or form PTO-152.			
Priority	under 35 U.S.C. § 119					
	Acknowledgment is made of a claim for foreign All b) Some * c) None of: 1. Certified copies of the priority documen 2. Certified copies of the priority documen	ts have been received.				
	3. Copies of the certified copies of the prior					
	application from the International Burea					
*	See the attached detailed Office action for a list		received.			
Attachme	• •					
	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948)		Summary (PTO-413) s)/Mail Date			
	ce of Draπsperson's Patent Drawing Review (P10-946) rmation Disclosure Statement(s) (PTO-1449 or PTO/SB/08)) 5) D Notice of I	nformal Patent Application (PTO-152)			
. —	er No(s)/Mail Date	6) 🔲 Other:	·			

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-15, drawn to a system and method, classified in class 451, subclass 008.
- II. Claims 16-21, drawn to a method, classified in class 451, subclass 005.

 The inventions are distinct, each from the other because of the following reasons:
- 2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because it does not require the steps of determining the status at a plurality of time points. The subcombination has separate utility such as determining the useable life of the conditioner, outside of the CMP system and method.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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- 5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M Rachuba whose telephone number is 571-272-4493. The examiner can normally be reached on Monday-Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M Rachuba
Primary Examiner
Art Unit 3723